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IN THE MATTER OF DEPARTMENT	:	STATE ETHICS COMMISSION
OF HEALTH REQUEST TO	:	
EXTEND APPLICATION OF	:	
DEPARTMENT OF HUMAN SERVICES:	:	
SUPPLEMENTAL CODE OF ETHICS	:	
TO DIVISION OF MENTAL HEALTH	:	
AND ADDICTION SERVICES	:	
OFFICERS AND EMPLOYEES	:	DECISION

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This matter arises from a request by the Department of Health ("DOH") to extend the timeframe within which it is authorized to apply the Department of Human Services ("DHS") Supplemental Code of Ethics ("DHS Supplemental Code") to former officers and employees of DHS who were transferred to DOH through October 1, 2019.

DHS has an approved Supplemental Code which applied to DHS employees in the Division of Mental Health and Addiction Services ("DMHAS") while DMHAS was within DHS. Pursuant to a Reorganization Plan filed by Governor Christie, on September 30, 2017 ("2017 Reorganization Plan"), DMHAS was transferred from DHS to DOH, including the transfer of DHS personnel utilized to support the DMHAS. Because of this transfer, DMHAS employees were no longer subject to the provisions of the DHS Supplemental Code.

Because of the reorganization, DOH advised that it needed time to evaluate whether it should adopt a supplemental code of ethics and, if so, the proper scope of language that should be included in a DOH supplemental code. DOH therefore requested the Commission's authorization to maintain the status quo by continuing to apply the provisions of the DHS Supplemental Code to the former DMHAS officers and employees who were transferred to DOH as part of the 2017 Reorganization Plan through October 1, 2018. This request was granted by the Commission on October 17, 2017.

DOH was preparing a DOH supplemental code to address DOH concerns related to the 2017 Reorganization Plan when Governor Murphy filed Reorganization Plan 001-2018 on June 21, 2018 ("2018 Reorganization Plan"), which transfers select components of DMHAS back to DHS. Because of this 2018 reorganization, and because efforts to finalize the details of the 2018 Reorganization Plan by leadership at DOH and DHS are still ongoing, DOH is unable to meaningfully evaluate which personnel previously transferred to DOH from DHS will remain in DOH and what provisions are still needed in a DOH supplemental code to address concerns related to these personnel.

DOH therefore requested the Commission's approval to extend the existing timeframe, during which the provisions of the DHS Supplemental Code continue to apply to personnel transferred from DHS to DOH as part of the 2017 Reorganization Plan, through October 1, 2019.

After considering the request by DOH, the Commission granted DOH's request to extend the timeframe during which DMHAS officers and employees who were transferred from DHS to DOH as part of the 2017 Reorganization Plan continue to be subject to the provisions of the DHS Supplemental Code through October 1, 2019.

DECISION RENDERED BY THE  
STATE ETHICS COMMISSION ON  
THE 9<sup>th</sup> DAY OF OCTOBER 2018